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E.O. 11652: N/A
TAGS: CCD, PARM
SUBJECT: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER FIVE

FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER FIVE (VERIFICATION AND CONTROL) DISTRIBUTED TO EXPERTS JULY 21.

BEGIN TEXT:

V. VERIFICATION AND CONTROL

1. OBJECTIVE AND SCOPE

1. THE QUESTION OF VERIFICATION AND CONTROL OF THE COMPLIANCE BY STATES PARTIES WITH THE OBLIGATIONS OF A DISARMAMENT AGREEMENT HAS ALWAYS BEEN IN THE FOCUS OF NEGOTIATIONS. THE PAST SOLUTIONS TO THAT PROBLEM HAVE DIFFERED FROM TREATY TO TREATY, DEPENDING ON WHAT OBLIGATIONS OF WHICH STATES WERE TO BE VERIFIED. AS TO NUCLEAR-WEAPON-FREE ZONES, BOTH THE ANTARCTIC TREATY AND THE TLATELOLCO TREATY INCLUDE PROVISIONS FOR VERIFICATION TO
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ENSURE THE ABSENCE OF NUCLEAR WEAPONS FROM THE ZONES, THE PRAC-

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TICAL PROCEDURES OF WHICH DIFFER SUBSTANTIALLY.

2. AS STATED ABOVE, IN ORDER TO ENSURE THAT A NUCLEAR-WEAPON-FREE ZONE WIL FUNCTION EFFECTIVELY, IT IS NECESSARY TO DEVISE A SYSTEM OF VERIFICATION AND CONTROL WITH WHICH TO MAKE SURE THAT ALL THE STATES INVOLVED ARE COMPLYING STRICTLY WITH THE TERMS ON WHICH THE NUCLEAR-WEAPON-FREE REGIME HAS BEEN CONCEIVED IN EACH CASE AND THE OBLIGATIONSWHICH THEY HAVE UNDERTAKEN. THE NATURE OF THE VERIFICATION AND CONTROL TO BE EXERCISED IN EACH ZONE WOULD, IN GENERAL, HAVE TO COVER THREE MATTERS: (A) FULL COMPLIANCE WITH TREATY PROVISIONS ON THE ABSENCE OF NUCLEAR WEAPONS FROM THE ZONE; (B) NUCLEAR ACTIVITIES FOR PEACEFUL PURPOSES; AND (C) TO SETTLE ISSUES OF NON-COMPLIANCE THAT MAY ARISE. PRESCRIBED SYSTEMS MAY INCLUDE BOTH ROUTINE AND AH HOC PROCEDURES AND SHOULD ASSURE A SUFFICIENT PROBABILITY OF DETECTING VIOLATIONS. SUCH SYSTEMS SHOULD BE BASED ON THE PRINCIPLE OF COMPLETE EQUALITY OF STATES.

3. AN EFFECTIVE CONTROL SYSTEM COULD CREATE CONFIDENCE BOTH AMONG THE STATES MEMBERS OF THE ZONE AND IN RELATION TO EXTRA-ZONAL STATES HAVING RECOGNIZED THE STATUS OF THE ZONE. IT WOULD ALSO OFFER ASSURANCES THAT A GROWING NUCLEAR POWER INDUSTRY OF ZONAL STATES WOULD NOT BE USED FOR THE FABRICATION OF NUCLEAR WEAPONS IN THE ZONE AND, BY ASSURING THAT, COULD FACILITATE CO-OPERATION IN THE PEACEFUL USE OF NUCLEAR ENERGY AMONG THE ZONAL STATES AND BETWEEN SUCH STATES AND STATES OUTSIDE THE ZONE.

4. THE PRECISE NATURE OF THE VERIFICATION AND CONTROL MACHINERY WILL DEPEND ON THE TYPE OF OBLIGATIONS TO BE UNDERTAKEN BY PARTIES TO A TREATY ESTABLISHING THE NUCLEAR-WEAPON-FREE ZONE. GENERALLY, IT MIGHT INCLUDE A FACT-FINDING MACHINERY, A PROCEDURE FOR CONSULTATIONS BETWEEN INDIVIDUAL STATES (VERIFICATION-BY-CHALLENGE) AND A FORUM FOR MULTILATERAL CONSULTATIONS, RECOMMENDATIONS AND SANCTIONS. IF SEVERAL OTHER ARMS CONTROL TREATIES ARE IN FORCE FOR ZONAL STATES THE HARMONIZATION AND CO-OPERATION BETWEEN THEIR RESPECTIVE CONTROL PROCEDURES COULD BE BENEFICIAL. IT CAN, FOR INSTANCE, BE FORESEEN THAT MEMBERS OF A NUCLEAR-WEAPON-FREE ZONE COULD ALSO BE PARTIES TO THE NPT, THE 1963 PARTIAL TEST BAN (PTB) AND OTHER TREATIES AS WELL, THE COLLABORATION BETWEEN CONTROL MACHINERIES OF SEVERAL NUCLEAR-
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WEAPON-FREE ZONES MIGHT ALSO BE OF VALUE DEPENDING ON THE CIRCUMSTANCES.

5. AS TO THE FACT-FINDING PART OF A CONTROL SYSTEM, STATES WOULD ALWAYS HAVE THE POSSIBILITY, IN RELATION TO ANY TREATY, TO USE THEIR NATIONAL MEANS OF VERIFICATION IN ACCORDANCE WITH INTERNATIONAL LAW. THE REMAINING QUESTION THAT MUST BE ANSWERED THROUGH NEGOTIATION IS WHETHER THIS IS SUFFICIENT, IN WHOLE

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OR IN PART, AND WHETHER ADDITIONAL INVESTIGATION POSSIBILITIES
REQUIRING THE CO-OPERATION OF PARTIES WOULD NEED TO BE PRES-
CRIBED IN THE TREATY.

6. WHEN DISCUSSING THIS LAST QUESTION, IT SHOULD BE KEPT IN
MIND THAT THE INVESTIGATION SYSTEM, ITS CAPABILITIES, EFFECTIVE-
NESS, OPERATIONAL PROCEDURES AND POSSIBLE PROVISION FOR IN-
SPECTIONS, SHOULD BE ADJUSTED TO ITS PRUPOSE, THAT OF PROVIDING
FACTS WHICH ARE NECESSARY AND RELEVANT FOR A POLITICAL SETTLE-
MENT OF DISPUTED EVENTS.

7. AS ONE OF THE BASIC OBJECTIVES OF NUCLEAR-WEAPON-FREE ZONES
WOULD BE A CONTRIBUTION TO NON-PROLIFERATION OF NUCLEAR WEAPONS,
ITS CONTROL SYSTEM SHOULD, AS A MINIMUM, COMPRISE THE FULL
APPLICATION OF IAEA SAFEGUARDS TO ALL NUCLEAR ACTIVITIES
WITHIN THE ZONE. LOGICALLY, IAEA'S SAFEGUARDS SYSTEMS WOULD
BE THE APPROPRIATE SET OF PROCEDURES TO APPLY, SINCE THEY COULD
COVER ALL NUCLEAR ACTIVITIES OF STATES MEMBERS OF THE ZONE AND
SINCE THEY WERE ARTICULATED WITH THE VIEW TO APPLYING TO
ENTIRE FUEL CYCLES. SUCH SAFEGUARDS WOULD PROVIDE BOTH FOR
OPERATIVE VERIFICATION ON A ROUTINE BASIS OF NUCLEAR ACTIVITIES
THAT ARE ESSENTIAL IN THIS RESPECT, AND ALSO FOR A REPORTING
RPOCEDURE ON POSSIBLE DISCLOSURES OF EVENTS OF POSSIBLE NON-
COMPLIANCE. ON THE OTHER HAND, HOWEVER, PRESENT IAEA SAFEGUARDS
WOULD ONLY VERIFY NUCLEAR ACTIVITIES THAT ARE DECLARED TO THE
AGENCY.

8. IN LIGHT OF THE EXAMPLE OF THE TLATELOLCO TREATY, IT WOULD
THUS BE MOST DESIRABLE TO HAVE IN ADDITION TO IAEA SAFEGUARDS,
THE POSSIBILITY TO VERIFY OTHER RELEVANT ACTIVITIES INSIDE THE
ZONES, AND POSSIBLY ALSO THE IMPLEMENTATION OF COMMITMENTS
OUTSIDE THEM. VERIFICATION IN THIS CATEGORY COULD, FOR INSTANCE,
INCLUDE MILITARY FACILITIES AND NAVAL VESSELS WITHIN THE ZONAL
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STATES. IT SHOULD BE RECOGNIZED THAT ASIDE FROM THE POLITICAL
AND LEGAL DIFFICULTIES INVOLVED, ADEQUATE VERIFICATION IN AREAS
OF THE HIGH SEAS INCORPORATED IN NUCLEAR-WEAPON-FREE ZONES WOULD
RAISE SPECIFIC PROBLEMS. THE ADDITIONAL PROBLEM HAS BEEN RAISED
AS TO HOW TO PROVIDE ASSURANCE THAT NUCLEAR WEAPONS ARE NOT
PRESENT IN MILITARY BASES OF NUCLEAR-WEAPON STATES SITUATED
INSIDE THE NUCLEAR-WEAPONS-FREE ZONE.

9. EVEN IF THERE ARE REGIONAL OR INTERNATIONAL ORGANIZATIONS
THAT COULD POSSIBLY TAKE CARE OF THE EXECUTION OF NON-IAEA VERIFI-
CATION, IT MIGHT BE PREFERABLE TO CONSTITUTE, AS HAS BEEN DONE IN
THE TLATELOLCO TREATY, STANDING REGIONAL BODIES FOR OPERATING
SUCH VERIFICATION PROCEDURES. ONE OF THE FUNCTIONS OF SUCH
AGENCIES WOULD BE TO MONITOR AND CO-ORDINATE THE WORK OF APPROPRIATE
NATIONAL AUTHORITIES GIVEN RESPONSIBOLITY FOR, OR SPECIALLY

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SET UP FOR THE PURPOSE OF IMPLEMENTING, THE NECESSARY VERIFI-
CATION PROCEDURES IN EACH COUNTRY PARTY TO NUCLEAR-WEAPON-
FREE ZONE AGREEMENTS. IN ADDITION, SUCH AGENCIES COULD THEM-
SELVES RUN REGIONAL DATA COLLECTION AND PROCESSING SYSTEMS AND
CARRY OUT PERIODIC AND AD HOC INSPECTIONS. IT HAS BEEN PRO-
POSED THAT THEY COULD ALSO RELY ON ASSISTANCE FROM NON-ZONAL
NATIONS AND OTHER SOURCES.

10. THE CARRYING OUT OF INVESTIGATIONS AND INSPECTIONS COULD
BE INTEGRATED IN A POLITICAL PROCESS OF CONSULTATIONS BETWEEN
COUNTRIES CONCERNED (BERIFICATION-BY-CHALLENGE). DETAILED
ARRANGEMENTS WOULD BE NECESSARY, HOWEVER, FOR SUCH PROCESSES
TO ENSURE THAT CHALLENGES AND INSPECTIONS ARE NOT ABUSED.

11. IN A TREATY ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE, IT
COULD ALSO BE DESIRABLE TO PROVIDE FOR MULTILATERAL BODIES OF
STATES PARTIES WITH THE TASK OF CONSIDERING REPORTS AND OBSERVA-
TIONS MADE BY A STANDING CONTROL AGENCY REGARDING THE IMPLE-
MENTATION OF THE PROVISIONS OF THE TRATY, AND OF MAKING RECOMMEN-
DATIONS IN A RESPECT OF SUCH IMPLEMENTATION, ON POSSIBLE FURTHER
INVESTIGATIONS AND INSPECTIONS, AND ON SUSPECTED VIOLATIONS.
SUCH A BODY COULD ALSO TAKE NOT OF FINDINGS BY IAEA SAFEGUARDS.
EXAMPLES OF THIS IS THE COUNCIL AND GENERAL CONFERENCE
PRESCRIBED IN THE TLATELOLCO TREATY. THE PRECISE MANDATE OF SUCH
MULTILATERAL BODIES WOULD HAVE TO BE SPECIFIED IN THE ZONE-
TREATY ITSELF. ONE OBVIOUS TASK FOR SUCH A MULTILATERAL BODY WOULD
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BE TO CONSIDER ISSUES OF COMPLIANCE, WHERE A VERIFICATION-
BY-CHALLENGE PROCESS BETWEEN INDIVIDUAL STATES HAS FAILED TO
SETTLE THE ISSUE. THE EXISTENCE OF SUCH A BODY SHOULD NOT
EXCLUDE HOWEVER THE POSSIBILITY THAT SPECIAL
ISSUES ARSING DURING THE COURSE OF A CONSULTATION PROCESS
ARE REFERRED TO THE UN SECURITY COUNCIL OR GENERAL ASSEMBLY, OR
TO THE INTERNATIONAL COURT OF JUSTICE.

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2. SAFEGUARDS ON PEACEFUL USES OF NUCLEAR ENERGY

12. AS INDICATED IN THE PRECEEDING SUB-CHAPTER THE IAEA SAFE-

GUARD SYSTEM COULD PLAY AN IMPORTANT ROLE IN THE VERIFICATION
OF THE IMPLEMENTATION OF NUCLEAR-WEAPON-FREE ZONE PROVISIONS.
THE EXACT ROLE OF IAEA WOULD ESSENTIALLY BE DETERMINED BY TWO
FACTORS. ONE IS THE PRECISE PROVISIONS OF THE AGREEMENTS ES-
TABLISHING ZONES AND THE TASKS GIVEN TO THE IAEA THEREIN.
THE OTHER IS THE STATUTE OF THE IAEA PRESCRIBING WHAT DUTIES
THE AGENCY CAN ASSUME. THE LATTER (ART. III.5) PERMITS THE
AGENCY "TO APPLY SAFEGUARDS, AT THE REQUEST OF THE PARTIES,
TO ANY BILATERAL OR MULTILATERAL ARRANGEMENT, OR AT THE REQUEST
OF A STATE, TO ANY OF THAT STATE'S ACTIVITIES IN THE
FIELD OF ATMOIC ENERGY".

13. IT WOULD THUS BE POSSIBLE TO SOLVE ONE PART OF THE VERIFICATION
PROBLEM OF NUCLEAR-WEAPON-FREE ZONES, THAT OF ASSURING THAT THE
NUCLEAR INDUSTRY OF ZONAL STATES WOULD NOT BE USED FOR THE
MANUFACTURE OF NUCLEAR EXPLOSIVE DEVICES BY MEANS OF APPLYING
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IAEA SAFEGUARDS TO THE COMPLETE NUCLEAR INDUSTRY OF ZONAL STATES.

14. IF STATES WITHIN A ZONE ARE ALL PARTIES TO THE NPT AND
THE PROVISIONS TO BE VERIFIED BY THE IAEA ARE IDENTICAL WITH
THOSE OF THE NPT, APPLICATION OF AGENCY SAFEGUARDS COULD BE
BASED ON THE NPT REGIME AS LONG AS THE ZONAL STATES CONTINUE TO
BE PARTIES TO THAT TREATY AS WELL, AND AS LONG AS NPT CON-
TINUED IN FORCE.

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15. IN ORDER TO MEET THE REQUIREMENTS OF ZONE-GREEMENTS NOT HAVING PROVISIONS COMPLETELY IDENTICAL WITH THOSE OF THE NPT, OR HAVING PARTIES NOT SUBSCRIBING TO THE NPT, OR HAVING A PERIOD OF DURATION BEYOND THE POSSIBLE TERMINATION, IN 1995, OF THE NPT, OR IN ORDER TO ABSORB THE POSSIBILITY THAT NPT-PARTY STATES MEMBERS OF THE ZONE WITHDRAW FROM THE NPT, IT WOULD RATHER SEEM NECESSARY TO SPECIFY WHAT TREATY OBLIGATIONS WILL HAVE TO BE VERIFIED BY MEANS OF APPLYING IAEA SAFEGUARDS IN ZONAL STATES. THIS COULD PROVIDE THE LEGAL BASIS FOR APPLYING SAFEGUARDS IN THE ZONE.

16. IT IS TRUE THAT THIS GENERAL APPROACH TO THE SAFEGUARD QUESTION WOULD PROABABLY REQUIRE SOME ADJUSTMENT OF THE PRESENT IAEA SAFEGUARDS SYSTEMS OF WHICH THERE ARE TWO. ONE IS THE "INFCIRC/153-SAFEGUARDS" REFERRING MAINLY TO STATES PARTIES TO THE NPT AND BEING APPLIED TO "ALL SOURCE AND SPECIAL FISSIONABLE MATERIAL IN ALL PEACEFUL NUCLEAR ACTIVITIES" IN THOSE STATES. THE OTHER IS THE "INFCIRC/66/REV.2-SAFEGUARDS" REFERRING MAINLY TO STATES NOT PARTIES TO THE NPT. THESE COULD BE APPLIED ON SEPARATE PARTS AS WELL AS ON THE WHOLE OF THE NUCLEAR ACTIVITIES OF STATES IN ACCORDANCE WITH SPECIAL AGREEMENTS BETWEEN INDIVIDUAL STATES AND THE AGENCY. IT WAS STRESSED THAT INFIRC/153-SAFEGUARDS DOES NOT COVER MATERIAL USED FOR MILITARY NON-BOMB PURPOSES (SUBJECT TO ITS PARAGRAPH 14) WHICH ARE NOT FORBIDDEN BY THE NPT, AND THAT THIS COULD IN CERTAIN CASES BE A LOOPHOLE. THEREFORE, NUCLEAR-WEAPON-FREE ZONE AGREEMENTS SHOULD, AS THE TLATELOLCO TREATY DOES, RESTRICT THE USE OF NUCLEAR MATERIAL SOLELY TO PEACEFUL PURPOSES AND SAFEGUARDS SHOULD BE APPLIED ACCORDINGLY.

17. AN OBLIGATION OF THE STATES INCLUDED IN A ZONE TO SUBMIT ALL THEIR NUCLEAR ACTIVITIES TO IAEA SAFEGUARDS WILL HAVE TO
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BE EXPRESSLY LAID DOWN IN THE CONSITITUENT INSTRUMENT OF THE ZONE. THE NECESSARY AGREEMENTS WITH IAEA MAY BE CONCLUDED IN EITHER OF THREE WAYS: (A) BY LEAVING EACH STATE TO NEGOTIATE DIRECTLY WITH THE IAEA (B) BY NEGOTIATING A COLLECTIVE AGREEMENT WITH IAEA AT THE SAME TIME AS THE CONSTITUENET TREATY OR (C) BY INDIVIDUAL BUT SIMULTANEOUS NEGOTIATIONS BETWEEN IAEA AND THE PARTIES. THE TREATY OF TLATALOLCO IS AN EXAMPLE OF THE FIRST COLLECTIVE AGREEMENT. IT COULD THEREFORE BE MORE EFFICIENT FOR A COLLECTIVE AGREEMENT TO BE CONCLUDED WITH IAEA, AND FOR THIS TO COME INTO FORCE FOR EACH STATE UPON ACCESSION TO THE TREATY CONSTITUTING THE ZONE; IN THIS WAY STATES WOULD COMPLY AT THE OUTSET WITH A CONDITION ESSENTIAL TO THE SATISFACTORY OPERATION OF THEIR ZONE. IN CASES WHERE COLLECTIVE NEGOTIATIONS ARE NOT POSSIBLE, PRO-VISIONS SHOULD BE MADE FOR THE SIMULTANEOUS ENTRY INTO FORCE OF THE ZONE-TREATY AND ALL SAFEGUARDS AGREEMENTS RELATED THERETO.

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18. WHEN PROVIDING FOR A LEGAL BASIS FOR IAEA SAFEGUARDS AND APPLYING SAFEGUARDS IN ACCORDANCE WITH PROVISIONS OF SEVERAL TREATIES, IT WOULD BE ESSENTIAL THAT ALL NUCLEAR ACTIVITIES OF A STATE ARE SUBJECT TO THE SAME SAFEGUARDS PROCEDURE. INDEED, ONE UNIVERSAL SAFEGUARD SYSTEM TAKING CARE OF ALL SAFEGUARDING NEEDS IN ALL COUNTRIES WOULD BE VERY DESIREABLE IN ORDER TO SIMPLIFY THE PROCEDURE. THAT LED SOME EXPERTS TO THE CONCLUSION THAT INFCIRC/153 - SAFEGUARDS, IF NECESSARY ADAPTED TO SUIT THE VARIOUS LEGAL SITUATIONS, SHOULD BE THE SYSTEM DEMANDED BY NUCLEAR-WEAPON-FREE ZONE TREATIES.

19. A RELATED QUESTION WOULD BE POSSIBLE PROVISION THAT STATES IN A ZONE WOULD HAVE TO APPLY MINIMUM STANDARDS OF PHYSICAL PROTECTION TO FISSIONABLE MATERIAL IN THE ZONE IN ORDER TO DIMINISH THE POSSIBILITY THAT TERRORIST OR SUBNATIONAL GROUPS BY THEFT OR OTHERWISE DIVERT SUCH MATERIAL AND MAKE THEIR OWN UCLEAR WEAPONS.

3. INSPECTIONS

20. WHEN IAEA SAFEGUARDS ARE APPLIED TO NUCLEAR ACTIVITIES INSPECTIONS WILL TAKE PLACE AS AN INTEGRAL PART OF THE PROCEDURE IN ACCORDANCE WITH THE SAFEGUARDS AGREEMENTS IN FORCE.

21. AS INDICATED IN SUB-CHAPTER 1 ABOVE, A STANDING CONTROL
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AGENCY OF A NUCLEAR-WEAPON-FREE ZONE COULD BE EMPOWERED WITH TE TASK OF CARRYING OUT BOTH ROUTINE AND AD HOC INSPECTIONS AS AN ELEMENT OF ITS PROCEDURE TO VERIFY THE IMPLEMENTATION OF OBLIGATIONS NOT ROUTINELY VERIFIED BY THE IAEA. SUCH INSPECTIONS COULD BE UNDERTAKEN BY THE CONTROL AGENCY ON ITS OWN INITIATIVE, AT THE REQUEST OF INDIVIDUAL STATES PARTIES TO THE ZONE-AGREEMENT WITHIN A VERIFICATION-BY-CHALLENGE PROCEDURE OR BY A MULTI-LATERAL BODY INSTITUTED BY THE ZONE-AGREEMENT.

22. THE TLATELOLCO TREATY PROVIDES FOR SUCH "SPECIAL INSPECTIONS" (ARTICLE XVI) WHILE THE ANTARCTIC TREATY (ARTICLE VIIL PERMITS INSPEC TIONS
UNDERTAKEN BY CERTAIN PARTIES THEMSELVES.

4. ROLE OF THE IAEA, REGIONAL ORGANIZATIONS AND NATIONAL ORGANS

23. PROPER EXECUTION OF VERIFICATION PROCEDURES MAKES CLOSE CO-OPERATION BETWEEN THE VARIOUS AUTHORITIES ON BOTH THE INTER-NATIONAL, REGIONAL AND NATIONAL LEVELS ESSENTIAL. THE ROLE OF IAEA AND OF STANDING REGIONAL CONTROL AGENCIES HAS BEEN MENTIONED EARLIER.

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24. THE APPLICATION OF IAEA SAFEGUARDS TO THE NUCLEAR ACTIVITIES OF A COUNTRY PRESUMES THE EXISTENCE WITHIN THAT COUNTRY OF A NATIONAL AUTHORITY FOR ACCOUNTING AND CONTROL OF ALL NUCLEAR MATERIAL SUBJECT TO SAFEGUARDS. THE POSSIBILITY OF GIVING A NATIONAL AUTHORITY THE RESPONSIBILITY FOR THE IMPLEMENTATION OF NON-IAEA-VERIFICATION PROCEDURES IN ADDITIONAL COUNTRIES HAS BEEN INDICATED ABOVE.

25. THE ROLE OF THE IAEA WOULD BE TO ASSUME, IN ACCORDANCE WITH ITS STATUTE, THE RESPONSIBILITY FOR ALL SAFEGUARDS ENVISAGED IN THE ZONE-TREATY AND SUBSEQUENT AGREEMENTS BETWEEN THE AGENCY, REGIONAL ZONE-AUTHORITIES AND ZONAL STATES. IN CASE THERE IS A REGIONAL OR OTHER ORGANIZATION THAT CAN ASSUME THE RESPONSIBILITY FOR NON-IAEA VERIFICATION, OR SUCH A SPECIAL CONTROL AGENCY IS SET UP, ITS PRECISE
MANDATE AND PROCEDURE OF WORK WILL HAVE TO BE DEFINED IN ACCORDANCE WITH THE ZONE-TREATY.

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26. TO MAKE VERIFICATION OF NUCLEAR-WEAPON-FREE ZONES MORE EFFECTIVE THE VARIOUS AUTHORITIES INVOLVED WOULD KEEP CONTACT AND INFORM EACH OTHER ON RELEVANT MATTERS. THEY MIGHT DEEM IT APPROPRIATE TO SEEK RELEVANT INFORMATION FROM OUTSIDE

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SOURCES, POSSIBLY ON A ROUTINE BASIS.

27. THE PURPOSE OF IAEA SAFEGUARDS IS THE TIMELY DETECTION OF DIVERSION OF SIGNIFICANT QUANTITIES OF NUCLEAR MATERIAL AND DETERRENCE OF SUCH DIVERSION BY THE RISK OF EARLY DETECTION. CASES OF POSSIBLE NON-COMPLIANCE WILL BE REPORTED TO ITS BOARD OF GOVERNORS, WHO MAY, DEPENDING ON THE CIRCUMSTANCES, REPORT ANY NON-COMPLIANCE TO ALL MEMBERS OF THE IAEA AND TO THE UN SECURITY COUNCIL AND THE GENERAL ASSEMBLY. THIS PROCEDURE MUST REMAIN, REGARDLESS OF ANY RESPONSIBILITIES ASSUMED BY A REGIONAL CONTROL AGENCY. 28. A REGIONAL BODY "RESPONSIBLE FOR VERIFICATION OF A ZONAL AGREEMENT MAY HAVE A WIDER AUTHORITY TO INVESTIGATE SUSPECTED CASES OF NON-COMPLIANCE, IF SO, IT SEEMS REASONABLE TO SUGGEST THAT SUCH A CONTROL AGENCY, SERVING THE NUCLEAR-WEAPON-FREE ZONE PARTIES AND POSSIBLY ASSISTING IN A PROCESS OF VERIFICATION-BY-CHALLENGE, SHOULD TAKE INTO
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ACCOUNT THE POSSIBILITY OF COMPARING IAEA FINDINGS WITH ITS OWN FINDINGS AND TO REPORT TO ITS PROPER POLITICAL FORE. THIS MAY INCLUDE REPORTING THE CASE TO THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY THROUGH THE SECRETARY-GENERAL OF THE UNITED NATIONS. RESORT COULD ALSO BE MADE TO THE INTERNATIONAL COURT OF JUSTICE.

29. IT WAS STRESSED THAT USE COULD BE MADE OF THE FACT THAT THE UNITED NATIONS HAS THE POWER TO RECTIFY OR REMEDY INFRINGEMENTS OR VIOLATIONS OF ZONAL TREATIES, EITHER IN DIS-CHARGE OF RESPONSIBILITIES PRESCRIBED IN SUCH TREATIES, OR IN EXERCISE OF FUNCTIONS ASSIGNED TO IT BY ITS CHARTER ENSURING THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

30. IN ADDITION, BOTH IAEA AND REGIONAL CONTROL AGENCIES COULD BE ENTRUSTED BY STATES TO ASSIST IN THE CO-ORDINATION OF THE ACTIVITIES OF NATIONAL AUTHORITIES IN THESE TASKS AND WITH WHICH THEY DEAL.

5. CREATION OF AD HOC AGENCIES

31. IT HAS BEEN MENTIONED BEFORE THAT SPECIAL AGENCIES MIGHT BE THE MOST USEFUL WAY OF ORGANIZING THE EXECUTION OF OVERALL VERIFICATION AND CONTROL OF NUCLEAR-WEAPON-FREE ZONES. THIS IS ARGUED FOR TWO REASONS: (1) EXISTING REGIONAL AGECIES, IF ANY, ARE NOT ALWAYS SUITED TO THESE FUNCTIONS, IN SOME CASES BECAUSE THEY DO NOT ADEQUATELY REFLECT THE PURPOSES OF A NUCLEAR-WEAPONS-FREE ZONE INASMUCH AS THEIR OWN AIMS ARE MORE GENERAL OR, ON THE CONTRARY, RELATE TO OTHER SPECIALIZED MATTERS, AND (2) THE COMPOSITION OF SUCH AGENCIES DOES NOT CORRESPOND TO THAT OF THE NUCLEAR-WEAPON-FREE ZONE, EITHER BECAUSE THEY INCLUDE A GREATER NUMBER OF STATES, SOME OUTSIDE THE ZONE,

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OR A SMALLER NUMBER OS STATES, SOME COUNTRIES WITHIN THE ZONE NOT BEING MEMBERS. IN CONTRAST, THE VERIFICATION AND CONTROL EXERCISED OVER A ZONE THROUGH AN AD HOC AGENCY WILL BE MORE EFFECTIVE BECAUSE SUCH AN AGENCY WOULD BE ESPECIALLY TAILORED TO THE COMPOSITION AND PURPOSES OF THE ZONE AND BECAUSE SUCH VERIFICATION AND CONTROL WOULD BE ITS PRIMARY FUNCTION.

32. IN CERTAIN REGIONS WHERE THE NATURE OF RELATIONS MIGHT NOT PERMIT THE REALIZATION OF THE MINIMUM CO-OPERATION REQUIRED TO
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ENABLE ANY REGIONAL AGENCY TO FUNCTION IN A MEANINGFUL WAY, THE POSSIBILITY OF ASSIGNING ALL VERIFICATION RESPONSIBILITIES OF A NUCLEAR-WEAPON-FREE ZONE TO A SPECIAL ORGAN WITHIN THE IAEA STRUCTURE COULD BE CONSIDERED. HOWEVER, SUCH A PROVISION MIGHT IMPLY AMENDING THE AGENCY'S STATUTE.

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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA05788
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750251-0878
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750738/aaaabhnr.tel
Line Count: 515
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Reference: n/a
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Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 28 FEB 2003
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Review History: RELEASED <28 FEB 2003 by ThomasVJ>; APPROVED <16 MAR 2004 by CollinP0>
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Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
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Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER FIVE FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER FIVE (VERIFICATION
TAGS: PARM, US, CCD
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006